

House Bill 427  
February 12, 2009  
Presented by Jim Kropp  
House Judiciary Committee

Mr. Chairman and committee members, for the record I am Jim Kropp, Chief of Law Enforcement of Montana Department of Fish, Wildlife & Parks (FWP).

There is no question that the current law restricts all individuals who are licensed owners of silencers and other sound suppression devices from using them in the field for purposes other than hunting. We have no issue with shooting enthusiasts who enjoy the novelty of suppressed weapons as part of a larger interest in firearms in general. That interest is, after all, is a very popular pastime in Montana whose tradition is linked with Montana's hunting heritage.

Contrary to popular belief, the unlawful use of suppressed firearms has been a component of some of the major wildlife cases we have pursued over the last few years. These individuals utilized silencers and suppressor to take terrific numbers of wildlife and do so unlawfully. The use of these devices was integral to their schemes to rob the state of wildlife resources. Warden Captain Jeff Darrah, who will follow me, will show you and explain how they were used.

Although proponents of the bill say that there are other means by which to prosecute individuals who choose to unlawfully use noise suppression devices, the law that they refer to, 45-8-336, requires that conviction under that statute constitutes a felony. By in large, most Montana wildlife violations are misdemeanors and pursuing prosecution of an individual under the 45 codes would substantially raise the stakes in what might otherwise be a standard misdemeanor. We believe that in many instances, to do such would be inappropriate. Furthermore, we are unable to enforce that section under our statutory authority.

We tried to suggest an amendment the bill so as to be a fair and reasonable restriction under our codes. We do propose that rather than eliminating this statute altogether, a simple adjustment of the wording of the existing statute would meet the intent of the law as originally written while at the same time, allow for the recreational use of the devices by shooters:

Thank you.

## PROPOSED MODIFICATION OF CURRENT SILENCER STATUTE

**87-3-123. Use of silencers or mufflers on firearms forbidden.** No person may ~~take into a field or forest or~~ have in his possession while out hunting big game any device or mechanism devised to silence, muffle, or minimize the report of any firearms, whether such device or mechanism be operated from or attached to any firearm.